BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Early Prehearing Conference

July 6, 2010

Jefferson City, Missouri

Volume 1

In The Matter Of The Application Of
Kansas City Power & Light Company
For Approval To Make Certain Changes
In Its Charges For Electric Service To
Continue The Implementation Of its
Regulatory Plan

In The Matter Of The Application Of
KCP&L Greater Missouri Operations

)

File No.

RONALD D. PRIDGIN, Presiding SENIOR REGULATORY LAW JUDGE

ER-2010-0356

REPORTED BY: Tracy Taylor, CCR No. 939 TIGER COURT REPORTING, LLC

Company For Approval To Make

Electric Service

Certain Changes In its Charges For

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    FOR:
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          Southern Union Company
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    and -

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    FOR:
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          816.969.1400
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    FOR: City of Lee's Summit
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          850.283.6663
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          Office of Public Counsel
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   STEVEN DOTTHEIM, Chief Deputy Counsel
   SARAH KLIETHERMÉS, Legal Counsel
   NATHAN WILLIAMS, Deputy Counsel
   ERIC DEARMONT, Legal Counsel
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   JAMIE OTT, Legal Counsel
17
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          Jefferson City, Missouri 65102
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    FOR: Staff of the Missouri Public Service Commission
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21
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1	JUDGE PRIDGIN: Good morning. We are on
2	the record. These are the prehearing conferences in
3	Case Nos. ER-2010-0355 and 0356. I'm Ron Pridgin. I
4	am the Regulatory Law Judge assigned to preside over
5	these prehearing conferences.
6	Judge Dippell is the judge over 0356.
7	She is out of town and has asked me to run the
8	prehearing conference. And we decided it would be
9	better to consolidate them anyway since there's so
10	much in common, so many parties common in both of
11	these cases.
12	Conferences are being held on July 6th,
13	2010 at approximately 10:00 a.m. We're in the
14	Governor Office Building in Jefferson City, Missouri
15	and we also have some folks participating by
16	telephone.
17	I would like to get entries of appearance
18	from counsel. I have endeavored to get everyone
19	listed who is either an intervenor because of the
20	experimental regulatory plan case in EO-2005-0329 or
21	who has applied to intervene in either of these cases.
22	So I'll try to go through those one by one and then I
23	will ask to see if I have missed anyone at the end.
24	So if I could get entries of appearance
25	from counsel on hehalf of Kansas City Dower & Light

1	and KCP&L GMO, please.
2	MR. FISCHER: Thank you, Judge. Let the
3	record reflect the appearance of Roger Steiner and
4	James M. Fischer on behalf of the companies in these
5	cases. Our contact information is listed on our
6	written entries of appearance. I might mention that
7	Mr. Steiner is now serving as in-house counsel for the
8	companies, in contrast to his previous role.
9	JUDGE PRIDGIN: And, Mr. Fischer, thank
10	you.
11	On behalf of the Staff of the Commission,
12	please.
13	MR. DOTTHEIM: On behalf of the Staff of
14	the Missouri Public Service Commission, Steven
15	Dottheim, Kevin Thomas Thompson
16	MR. PORTER: Mister Administrative Law
17	Judge, this is Steve Porter in Washington, DC. I hate
18	to interrupt the proceedings, but I'd like to let you
19	know that we're having a little trouble hearing and
20	it's going in and out and the volume is low as well.
21	JUDGE PRIDGIN: All right. Thank you. I
22	apologize for that. Can I ask everyone to turn their
23	microphone on, please.
24	MR. FISCHER: Judge, I'm not sure this
25	mic is working. Can you hear me through the

1	microphone?
2	JUDGE PRIDGIN: I'm seeing a bunch of
3	nods of people that are saying no so
4	MR. LOWERY: This one's on and it's
5	not
6	JUDGE PRIDGIN: We've got some dead mics.
7	MR. CONRAD: The lights are green, but
8	JUDGE PRIDGIN: I believe I don't even
9	think are the mics working out here? I tend to
10	yell, so okay. For reasons I don't understand I
11	apologize. I'll just ask everyone to try to project
12	as best you can.
13	And I will go off the record here pretty
14	shortly and allow people to kind of congregate and
15	work out how to how to deal with this. And I'll
16	also try to deal with the microphone problem once we
17	get entries of appearance. And I apologize. I mean,
18	it looks like I've got a hot mic up here that's not
19	working so I will work on that here shortly. I'm very
20	sorry.
21	MR. PORTER: Sir, we can hear you very
22	well. Perhaps if you could just repeat the names as
23	they report in, that would be helpful to us.
24	JUDGE PRIDGIN: I'll certainly try. I've
25	got a long list of some of them. Mr. Fischer entered

1	an appearance for himself and Mr. Steiner on behalf of
2	the companies. And Mr. Dottheim for Staff is entering
3	an appearance for himself and for others for the Staff
4	of the commission. Will that suffice?
5	MR. PORTER: Yes. Thank you very much.
6	JUDGE PRIDGIN: Thank you. And,
7	Mr. Dottheim, I'm sorry for the interruption. If you
8	wanted to continue.
9	MR. DOTTHEIM: Yes. I think maybe I'd
10	mentioned Kevin Thompson, Nathan Williams, Eric
11	Dearmont, Jamie Ott and Sarah Kliethermes. And of
12	course, our address is Post Office Box 360, Jefferson
13	City, Missouri 65102.
14	JUDGE PRIDGIN: All right. Mr. Dottheim,
15	thank you.
16	And I apologize. I'll try my best to
17	translate for those on the phone. On behalf of the
18	office of the Public Counsel, please.
19	MR. MILLS: On behalf of the office of
20	the Public Counsel and the public, my name is Lewis
21	Mills. My address is Post Office Box 2230, Jefferson
22	City, Missouri 65102.
23	JUDGE PRIDGIN: Mr. Mills, thank you.
24	Lewis Mills has entered his appearance on behalf of
25	the Office of the Public Counsel.

1	On behalf of the Missouri Department of
2	Natural Resources, please.
3	MS. MANGELSDORF: Sarah Mangelsdorf for
4	the Missouri Department of Natural Resources, PO Box
5	899, Jefferson City, Missouri 65102.
6	JUDGE PRIDGIN: All right. Thank you.
7	Ms. Mangelsdorf has entered her appearance on behalf
8	of the Missouri Department of Natural Resources.
9	On behalf of Praxair, Incorporated,
10	please.
11	MR. CONRAD: Your Honor, I'll do this
12	twice. For the benefit of the parties in Washington,
13	I'm going to use English now. Praxair, Inc. is a
14	automatic party pursuant to the regulatory plan. And
15	on behalf of that party, please show the appearance of
16	Stuart W. Conrad and David L. Woodsmall of the law
17	firm of Finnegan, Conrad and Peterson. Main office is
18	3100 Broadway, Suite 1209, Kansas City, Missouri;
19	Jefferson City office is 428 East Capitol, Suite 300,
20	Jefferson City, Missouri 65101.
21	Also on behalf and, Judge, I'm
22	presuming you're taking appearances in the 0355 matter
23	at this point?
24	JUDGE PRIDGIN: Well, really in either.
25	I'm going to go through both.

1	MR. CONRAD: In the 355 matter, the same
2	attorneys and the same law firm on behalf of the
3	separate intervention of the Midwest Energy Users'
4	Association, MEUA.
5	Now, in the 356 matter, ER-2010-0356,
6	same attorneys and offices on behalf of Ag Processing,
7	Inc. And also same attorneys and offices on behalf of
8	the Sedalia Industrial Energy Users' Association. And
9	I realize that I'm out of your order and I apologize,
10	but I thought it would be simpler to take all of that
11	together.
12	JUDGE PRIDGIN: No, that makes sense to
13	me and I appreciate that.
14	MR. CONRAD: Thank you.
15	JUDGE PRIDGIN: Stu Conrad has entered
16	his appearance and the appearance of David Woodsmall
17	on behalf of Praxair, Incorporated, on behalf of
18	Midwest Energy Users' Association, on behalf of Ag
19	Processing and on behalf of Sedalia Industrial Energy
20	Users' Association. And Mr. Conrad, thank you.
21	On behalf of Missouri Industrial Energy
22	Consumers, please.
23	MS. VUYLSTEKE: For the Missouri
24	Industrial Energy Consumers, Diana Vuylsteke of the
25	law firm Bryan Cave, 211 North Broadway, Suite 3600,

1	St. Louis, Missouri 63102.
2	JUDGE PRIDGIN: Ms. Vuylsteke, thank you.
3	Diana Vuylsteke has entered her appearance on behalf
4	of Missouri Industrial Energy Consumers.
5	On behalf of Ford Motor Company, please.
6	MS. VUYLSTEKE: I apologize, your Honor.
7	Also, once again, Diana Vuylsteke, Bryan Cave, 211
8	North Broadway, Suite 3600, St. Louis 63102.
9	JUDGE PRIDGIN: Thank you. Ms. Vuylsteke
10	has also entered on behalf of Ford Motor Company.
11	On behalf of the Empire District Electric
12	Company, please.
13	MR. SWEARENGEN: Jim Swearengen, Diana
14	Carter and Russ Mitten for Empire. I've made a
15	written entry.
16	JUDGE PRIDGIN: Mr. Swearengen, thank
17	you. Mr. Swearengen has entered his appearance, the
18	appearance of Ms. Carter, Diana Carter, and I'm sorry
19	Russ Mitten; is that correct
20	MR. SWEARENGEN: Yes.
21	JUDGE PRIDGIN: on behalf of Empire
22	District Electric Company?
23	On behalf of Missouri Joint Municipal
24	Electric Utility Commission, please. I hear no
25	appearance for them.

1	On behalf of the City of Kansas City
2	Missouri, please. Hear no appearance for the City of
3	Kansas City.
4	On behalf of AmerenUE, please.
5	MR. LOWERY: Your Honor, Jim Lowery;
6	Smith, Lewis, LLP, PO Box 918, Columbia Missouri 65205
7	on behalf of Union Electric Company d/b/a AmerenUE.
8	JUDGE PRIDGIN: Mr. Lowry, thank you.
9	James Lowry has entered his appearance on behalf of
10	AmerenUE.
11	On behalf of Missouri Gas Energy, please.
12	MR. MCCARTNEY: Brian McCartney, Dean
13	Cooper and Todd Jacobs. I've entered a written entry
14	of appearance.
15	JUDGE PRIDGIN: Bear with we. I'm sorry.
16	Brian McCartney has entered his appearance on behalf
17	of Missouri Gas Energy and also the appearance of Todd
18	Jacobs and I missed one, I'm sorry.
19	MR. MCCARTNEY: Dean Cooper.
20	JUDGE PRIDGIN: Dean Cooper as well.
21	Thank you.
22	On behalf of I believe a group known as
23	Hospital Intervenors. I hear no appearance for
24	Hospital Intervenors.
25	On behalf of the US Department of Energy,

1	please?
2	Yes, thank you. This is Steve Porter and
3	Perry Bruder on behalf of the Department of Energy,
4	NNSA and the federal executive agencies.
5	JUDGE PRIDGIN: All right. Mr. Porter,
6	thank you. I have Mr. Porter's appearance and
7	Mr. Bruder's appearance on behalf of those federal
8	agencies.
9	I have an application to intervene from a
10	Robert Wagner. I hear no entry for him.
11	On behalf of AARP?
12	MR. COFFMAN: Your Honor, I'm appearing
13	in both cases on behalf of two non-profit
14	organizations that have applied to intervene; AARP, as
15	well as the Consumers Council of Missouri. My address
16	is 871 Tuxedo Boulevard, St. Louis, Missouri 63119.
17	JUDGE PRIDGIN: All right. Thank you.
18	John Coffman has entered his appearance on behalf of
19	AARP and Consumers Council of Missouri. Thank you.
20	On behalf of Dogwood Energy, please.
21	MR. LUMLEY: Thank you, Judge. On the
22	telephone, this is Carl Lumley appearing in the NEMO
23	case, the 356 case, on behalf of Dogwood Energy, LLC.
24	My address is 130 South Bemiston, Suite 200,
25	St. Louis. Missouri 63105.

1	JUDGE PRIDGIN: Mr. Lumley, thank you.
2	Carl Lumley has entered an appearance on behalf
3	Dogwood Energy, LLC.
4	Who do I have left? City of Lee's
5	Summit, Missouri, please.
6	MS. WILLIAMS: Yes. On the telephone,
7	Teresa Williams representing City of Lee's Summit.
8	220 Southeast Green Street, Lee's Summit, Missouri
9	64063.
10	JUDGE PRIDGIN: Teresa Williams has
11	entered her appearance on behalf of the City of Lee's
12	Summit. Thank you.
13	On behalf of Liberty Hospital, please.
14	No appearance for Liberty Hospital.
15	On behalf of North Kansas City Hospital,
16	please. No appearance for North Kansas City.
17	Bear with me, please. On behalf of the
18	City of St. Joseph, Missouri, please.
19	MR. STEINMEIER: Thank you, your Honor.
20	Please let the record reflect the appearance of
21	William D. Steinmeier; William D. Steinmeier, PC, PO
22	Box 104595 in Jefferson City, Missouri on behalf of
23	the City of St. Joseph, Missouri.
24	JUDGE PRIDGIN: Mr. Steinmeier, thank
25	vou. William Steinmeier has entered his appearance on

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1
   behalf of the City of St. Joseph.
 2
                On behalf of Missouri Retailers
 3
   Association, please. No appearance for Missouri
 4
   Retailers Association.
 5
                And I believe that is all that I have.
   Who have I missed?
 6
 7
                CAPTAIN MCNEILL: Sir, this is Captain
   Shayla McNeill filing an appearance in the ER-356 case
 8
   on behalf of the federal executive agencies,
   specifically Whiteman Air Force Base.
10
11
                JUDGE PRIDGIN: Okay. I'm sorry. I did
12
   not get your name.
13
                CAPTAIN MCNEILL: Captain Shayla McNeill,
14
   S-h-a-y-1-a.
15
                JUDGE PRIDGIN: Thank you, Ms. McNeill.
   I'm sorry. I recognize your name now. Sorry.
16
                                                    Thank
17
   you.
18
                Have I missed anyone else?
19
                All right. Hearing none, I think in my
20
   case -- I don't want to speak for Judge Dippell and
21
   the parties made need to educate me on that. In the
22
   0355 case, I have I think required a proposed
   procedural schedule from the parties in two weeks
23
   rather then in the normal one week and I did that with
24
25
   the thought that we've got some pending applications
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1	to intervene and it might be awkward and and force
2	the parties to ask for an extension of time and we
3	don't necessarily know who the parties are. So I've
4	given you an extra week to allow the Commission to
5	rule on applications to intervene. So I believe that
6	is the parties' next deadline in this case.
7	And I don't know if the deadline is the
8	same for 0356 or if it's different. And I don't know
9	if the parties care to state on the record if they
10	know or not. And if you don't know, that's fine.
11	That's what's going on with mine. Normally I would
12	I would say, Okay, I'll hear from you in a week, but
13	that's not the case in mine. A proposed procedural
14	schedule would be due in two weeks instead and the
15	reason is there's pending applications to intervene.
16	Is there anything that the parties need
17	from me? Again, if it's about the 0356 case, I may
18	not have much information, but I'll do my best. Now,
19	do the parties have any questions or concerns to bring
20	to my attention before I go off the record?
21	All right. Hearing none, you have I'm
22	sorry, Mr. Conrad.
23	MR. CONRAD: One question, Judge.
24	JUDGE PRIDGIN: Yes, sir.
25	MR. CONRAD: I think you had indicated

1	early on that in the two cases, your Honor would be
2	doing the 0355 case and Judge Dippell would be doing
3	the 0356 case.
4	JUDGE PRIDGIN: That's my understanding.
5	MR. CONRAD: Okay. Any other law judges
6	assigned as far as you're aware at this point?
7	JUDGE PRIDGIN: Not as far as I'm aware.
8	MR. CONRAD: Thank you.
9	JUDGE PRIDGIN: You're welcome. And,
10	Mr. Conrad if you couldn't hear on the phone he
11	simply asked the assignments of these cases. I'm Ron
12	Pridgin, I'm assigned to the 0355 case, what I would
13	call the KCP&L case; and Judge Dippell is assigned to
14	the 0356 case, which I would call the GMO case. And
15	that was Mr. Conrad's question.
16	Is there anything else from the parties?
17	Mr. Fischer?
18	MR. FISCHER: Yes, Judge. Is it possible
19	that we could get some technical assistance on getting
20	our microphones fixed so the folks on the phone could
21	hear our discussion about the procedural schedule?
22	JUDGE PRIDGIN: Yes, sir. Mr. Fischer
23	just asked and that's one reason why I'm trying to
24	wrap my portion up. Mr. Fischer just asked if we
25	could get some assistance with the microphones. I'm

1	not sure why they're not working. And so what I hope
2	to do is go off the record and try to get some help to
3	get the microphones going so everybody can hear each
4	other better.
5	MR. FISCHER: Thank you.
6	JUDGE PRIDGIN: You're welcome, sir. I
7	apologize.
8	I'm sorry, Mr. Dottheim?
9	MR. DOTTHEIM: Yes. I don't know if
10	somebody just joined us on the line. I don't know if
11	it might be another party.
12	JUDGE PRIDGIN: I did hear a beep,
13	Mr. Dottheim. Thank you. Is there anyone who just
14	joined the phone bridge recently? Okay. I'm not
15	hearing anything.
16	All right. Obviously I'm up on the ninth
17	floor, as is the hearing calender, if you need me or
18	if you need that calendar and you have access to this
19	room the rest of the day. Is there anything else I
20	can do for the parties before we go off the record?
21	All right. Hearing nothing, that will
22	conclude the on-the-record portion of the prehearing
23	conferences in Cases Number ER-2010-0335 and 0356. If
24	everyone on the phone would please stay on the line,
25	I'll go off the record, I'll leave and then I'll try

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to get some help with the microphones. All right.
 1
 2
   thank you very much. We're off the record.
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                 (Early prehearing conference concluded.)
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1	CERTIFICATE OF REPORTER
2	
3	I, Tracy Thorpe Taylor, CCR No. 939, within the
4	State of Missouri, do hereby certify that the
5	foregoing matter was taken by me to the best of my
6	ability and thereafter reduced to typewriting under my
7	direction; that I am neither counsel for, related to,
8	nor employed by any of the parties to the action in
9	which this matter was taken, and further, that I am
10	not a relative or employee of any attorney or counsel
11	employed by the parties thereto, nor financially or
12	otherwise interested in the outcome of the action.
13	
14	
15	Tracy Thorpe Taylor, CCR
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0	356 10:5	65205 12:6	18:15,19
0355 9:22	13:23	6th 5:12	anyway 5:9
15:22 17:2,12	360 4:17 8:12		apologize
0356 5:3,6	3600 2:19 10:25 11:8	8	6:22 7:11,17 8:16 10:9
16:8,17	10:25 11:6	816.753.1122 2:15	11:6 18:7
17:3,14	4	816.969.1400	appearance
18:23	400 2:3	4:6	5:17,24
1	428 9:19	850.283.6663	6:3,6 7:17
1 1:9 4:8		4:9	8:1,3,24 9:7,15 10:16
10:00 5:13	5	871 3:17	11:3,17,18,2
1000 3:21	573.424.6779	13:16	5 12:2,9,14,16
101 2:3	3:18	899 2:11 9:5	,17,23
104595 3:14	573.443.3141 3:3		13:6,7,18
14:22	573.635.7166	9 918 12:6	14:2,11,14,1 6,20,25
111 3:2	2:24 3:7	939 1:24 20:3	15:3,8
1200 2:8	573.636.3758	939 1.24 20.3	appearances
1209 2:14	2:4	A	9:22
9:18	573.659.8672	a.m 5:13	appearing
130 4:2 13:24	3:15	AARP 3:19	13:12,22
139 4:8	573.751.0052 2:12	13:11,14,19	application 1:13,16 13:9
	573.751.2690	ability 20:6	applications
2 2 2 4 2 4 2 4	4:18	access 18:18	15:25
200 4:2 13:24	573.751.4857	action	16:5,15
2010 1:7 5:13	4:12	20:8,12	applied 5:21
202.586.2918 3:22		address 8:12,21	13:14
20585 3:21	6 1:7	13:15,24	appreciate 10:13
211 2:19	_	Administrativ	Approval
10:25 11:7	63102 11:1,8	e 6:16	1:14,17
220 4:5 14:8	63102-2750 2:19	AFB 4:9	approximately
2230 4:11	63105 4:2	AFLSA/JACL-	5:13
8:21	13:25	ULT 4:8	assigned 5:4
	63119 3:18	Ag 2:17 10:6,18	17:6,12,13
3 300 9:19	13:16	agencies	assignments 17:11
	64063 4:5	13:4,8 15:9	assistance
3100 2:14 9:18	14:9	Air 4:10	17:19,25
312 2:23 3:6	64111 2:15 3:11	15:10	Association
314.259.2750	65101 2:3,24	allow 7:14	2:16,17
2:20	3:6 9:20	16:4	10:4,8,18,20 15:3,4
314.725.8788	65102 2:11	am 5:4 20:7,9	attention
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